

MEMORANDUM

NATIONAL SECURITY COUNCIL

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June 18, 1985

INFORMATION

MEMORANDUM FOR ROBERT C. McFARLANE

FROM: RICHARD CHILDRESS

SUBJECT: Simpson Bill on Immigration: S. 1200

RCM HAS SEEN

Senator Simpson introduced a new 117-page immigration reform bill May 23 that delays granting legal status to illegal aliens already in the United States until a proposed system of employer sanctions has stemmed the flow of unauthorized foreign workers into the United States.

It includes the following provisions:

- Employee Sanctions: Like previous bills, it would penalize employers of four or more workers who knowingly hire illegal aliens. New bill eliminates criminal penalties for employers who repeatedly hire illegal aliens. To address Hispanic concerns about possible discrimination, bill requires GAO to monitor implementation of sanctions and determine whether a pattern of discrimination results.
- Agricultural Workers: Expands and streamlines an existing program for temporary agricultural workers. Allows growers to continue to employ undocumented workers for three years after enactment under conditions set by the Attorney General. By fourth year, all foreign workers would have to be hired through legal channels. All similar to the thrust hammered out last year.
- Legalization: Establishes a presidentially appointed commission to determine whether "appropriate immigration enforcement mechanisms" are in place and controlling illegal entry. If the commission makes such a finding, then persons who could prove they had been physically present in the US prior to January 1, 1980, would be eligible for temporary resident status. The bill authorizes \$600 million annually for three years to cover costs of legalization. (Dispute over legalization costs was final stumbling block in conference committee last year.)

Simpson's bill differs in one major respect from last year's legislation that passed the House and Senate, but died in conference committee. That measure coupled employers' penalties with a program to grant legal status immediately to undocumented workers who could prove they entered the US prior to January 1, 1981, and had been here since.



Simpson's new bill has drawn fire from Hispanic and civil rights groups who describe it as a step backwards. Opposition from these groups was one factor that threatened last year's House bill which passed 216-211.

Even if he can push the bill through the Senate, prospects in the House are murky at best. Three have been introduced and none have the imprimatur of the principal players -- Rodino and Mazzoli. Neither have taken up the issue in earnest and have clearly lost the fire because of last year's bitter seven-day debate.

Draft Justice and INS testimony are supportive of S. 1200 with the exception of some minor federal-state funding provisions.

Ray Burghardt and Paul Thompson concur.

#### Attachment

Tab A      McFarlane Question plus Profs Note dated 6/14/85 with #4767